PATENT
Attorney Docket No. 08011.3010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	)	
	)	
John DeMAYO et al.	)	Group Art Unit: 3622
	)	
Application No.: 09/711,261	)	Examiner: CHAMPAGNE, Donald
	)	
Filed: November 10, 2000	)	
	)	
For: APPARATUS AND METHOD FOR HYPERLINKING SPECIFIC WORDS IN CONTENT TO TURN THE WORDS INTO ADVERTISEMENTS	)	Confirmation No.: 6688

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Pursuant to 37 C.F.R. § 41.41, this is a Reply Brief to the Examiner's Answer mailed July 6, 2006, which has a two-month period for reply extending through September 6, 2006. This Reply Brief addresses the new points in the "Response to Argument" section of the Examiner's Answer.

An **Argument** in reply to the Examiner's response follows on the next page of this paper.

ARGUMENT

I. The Prior Art Does Not Teach or Suggest the Claimed Invention and Thus There is No Basis for the Rejections of the Claims Under 35 U.S.C. §§ 102 and 103

A. The Examiner Erroneously Contends A Hyperlink To A Web Page Constitutes The Specified Claim Element

The Examiner properly quotes the element of claim 1, which recites "convert at least one existing advertiser-chosen word present in a content file into an advertisement by linking said at least one advertiser-chosen word to said advertiser web page." See Examiner's Answer at page 7, However, in responding to Appellants' traversal of the Examiner's rejection of claims 1, 2, 4-6, 9, 10, 12, 13, 21, 24, and 31 under 35 U.S.C. § 102(e) as being anticipated by Bull et al. (U.S. Patent No. 5,995,943), the Examiner continues to ignore the clear language of the claim.

Specifically, the Examiner contends that Bull teaches providing a hyperlink to a webpage. But merely providing a hyperlink is not what the claims require. Instead, claim 1 requires "convert[ing] at least one existing advertiser-chosen word present in a content file into an advertisement by linking said at least one advertiser-chosen word to said advertiser web page" (emphasis added). Bull does not teach such a feature.

Moreover, the Examiner's citations on page 8 and 9 of the Examiner's Answer do not address this deficiency of Bull. While Bull teaches that new page content in the form of an ad is added to a display (see col. 12, lines 15-16), that teaching does not constitute "convert[ing] at least one existing advertiser-chosen word present in a content file into an advertisement by linking said at least one advertiser-chosen word to said advertiser web page," as required by claim 1 (emphasis added).

Since the Examiner cannot show that Bull discloses at least the element of claim 1 discussed above, the rejection of claim 1 under 35 U.S.C. § 102(e) is improper for at least this reason. Accordingly, the Board should reverse the rejection of claim 1 and the rejection of claims 2 and 4-6, which depend from claim 1. The Board should also reverse the rejection of independent claims 9, 21, and 24, and dependent claims 10 and 12-13, for at least the reasons given above with respect to claim 1.

B. The Examiner Admits The Rejection Of Claim 31 Is Deficient And The Examiner's New Citation Does Not Remedy That Deficiency

In the Examiner's Answer, the Examiner contends that Bull also teaches "[i]f a certain web page is requested, the present invention will display a particular advertisement." See Examiner's Answer at page 9. However, the Examiner's analysis again ignores the clear language of the claim.

Claim 31 requires "displaying a description of the advertiser web page when a mouse pointer is positioned over the hyperlink" (emphasis added). Although Bull discloses clicking a URL and displaying a webpage, Bull provides no teaching of "displaying a description of the advertiser web page when a mouse pointer is positioned over the hyperlink," as required by claim 31 (emphasis added). Accordingly, the Examiner has not shown that Bull anticipates all of the elements of claim 31 and the Board should reverse the rejection of the claim.

CONCLUSION

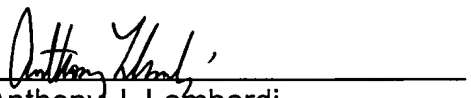
For these reasons and the reasons given in Appellant's Appeal Brief filed on April 6, 2006, Appellants respectfully request the Board to reverse the final rejection of claims 1-32.

Please charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 8, 2006

By: 
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